

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**DEREK RAY ANCALADE**

**PETITIONER**

**v.**

**CAUSE NO. 1:12CV131 LG-JMR**

**STATE OF MISSISSIPPI**

**RESPONDENT**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
DENYING PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS**

**BEFORE THE COURT** is the Report and Recommendation of Chief United States Magistrate Judge John M. Roper, Sr. entered in this cause on July 10, 2012 [6]. Magistrate Judge Roper reviewed the Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S. C. § 2241, the Respondent's Response, and the record of the state court proceedings. Magistrate Judge Roper determined that the Petition should be dismissed for failure to state a claim upon which habeas relief may be granted.

The Petitioner did not file any objection to the Report and Recommendation. Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After reviewing the Report and Recommendation, the Court finds it is neither clearly

erroneous nor contrary to law. Therefore, the Court finds that the Report and Recommendation of the Magistrate Judge should be adopted as the opinion of this Court.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Report and Recommendation of Chief United States Magistrate Judge John M. Roper, Sr. entered in this cause on July 10, 2012 [6] should be, and the same hereby is, adopted as the finding of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that Petitioner's habeas corpus application is **DENIED** and this cause is **DISMISSED**.

**SO ORDERED AND ADJUDGED** this the 4<sup>th</sup> day of October, 2012.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE